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SPEECH

OF

MR. DOWNS, OF LOUISIANA,

IN SENATE OF THE UNITED STATES, MAY 22, 1850.

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The Senate having under consideration the order of the day, to wit: the bill to admit California as a State into the Union, to establish Territorial Governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries—

Mr. DOWNS said:

I regret the course which the debate on this bill has taken from the time of the introduction on the report of the Committee of Thirteen. I have anticipated, from the first, that there would be an animated debate upon the subject which is now before the Senate; but I did not anticipate that it would come up in the manner and shape in which it has. I should have much preferred that the Wilmot proviso, which we all know is to be offered, should have been moved, and that the discussion should have taken place upon the direct issue offered by that measure. I should have greatly preferred that the main contest should have taken place in that way, to its coming up upon issues in relation to which there seems to be so much difference of opinion among southern Senators themselves.

However, sir, since these matters have come up, it is proper that I should state the views which I entertain, and the motives which have actuated me in the course I hitherto pursued in relation to them.

Mr. President, when the question which is involved in this bill arose, some two or three years ago, it was new. Nothing of the kind had then occurred in the history of the Government of the United States. In all previous cases of acquisition of territories, there was never any doubt as to the question of slavery. It was known and recognized that slavery did exist in them. We have now made an acquisition of territory from Mexico, in relation to which there is a doubt and a difference of opinion between the different portions of the United States. The people of the South contend that, under the Constitution of the United States, they have the right to go to these new territories with their slaves, and they complain that the effect of the agitation which is kept up on the subject, while the question is unsettled, is to exclude them from the enjoyment of that right.

The sagest, most experienced, and wisest men of this country have devoted much attention to this subject. The wisest and best men of the South have devoted as much attention to it as to any other question which has ever arisen in the course of our history; and, so far as I know, they have never arrived at any solution better than that of leaving the territories in the condition, as re-

spects the question of the existence of slavery, in which they actually are—that question to be decided by the tribunals of the country when it comes regularly before them. We have professed our willingness to abide by such decision, whether against us or in our favor. We have insisted only that there should be no legislation affirming the laws of Mexico or prohibiting us from entering those territories with our slaves, leaving us to our rights—such as they may be under the Constitution of the United States or the laws of Mexico, as modified by it.

Now, Mr. President, for the two or three years past, during which the agitation of this subject has continued, I have not known of a single southern man who has ever insisted upon or asked for any positive legislation in favor of slavery in the territories or for any other plan than this. It is true there have been some modifications proposed. Some have been and some are desirous that the Missouri compromise should be applied to these territories, with an implied permission that slavery should go into a portion of the territory; for the Missouri compromise, in its literal terms, does not establish slavery or recognize its existence in any portion of territory, having been applied to a territory differently situated; but generally the principle of non-intervention has been adopted and promulgated by the South, and is that in which we have almost unanimously concurred as the just and most appropriate claim of the South.

This, Mr. President, was the principle with which we began in 1848, in the celebrated compromise bill of that time. That was the only position upon which we could stand to make any available opposition to the pretensions of the North. The South were willing to take it. It was not that they were entirely satisfied with it, or that they ought not to ask anything more; but, Mr. President, it cannot be denied that when that compromise was defeated by the aid of some southern votes, not here, but elsewhere, there were loud and long complaints by the constituents of those members who had been instrumental in defeating it. I believe that that compromise was entirely satisfactory to the southern people. It placed us in a position to obtain security for such rights as we actually possess, and which we have not obtained since. What has been the consequence to us of the rejection of that compromise? What is our condition now with respect to the State of California? We have lost all foothold there; and we have lost it in consequence of the fact that that compromise was defeated.

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Now, Mr. President, what reason have we to believe that we shall gain anything in the South by defeating this compromise? We have lost by just such a course heretofore; and we shall lose by it now, if we persist in it. Our principle is as true now as it was then. Time changes not truth. We are in a minority. We have at no time had so favorable a compromise offered us as this. If we reject it, it will be utterly impossible that we should ever get so far again towards a fair and reasonable compromise on this subject. The compromise is undoubtedly less than, in my opinion, would be entirely just to the South; but a compromise is, in its very nature, a mutual cession of supposed rights in part, in order to secure the remainder. I supposed that every southern member of this House would accept so reasonable a compromise as this, not as the whole of what they would desire, but as the best which they could hope to obtain as a compromise; and I cannot believe now that southern men here can exert their influence for the defeat of these measures, brought forward under such circumstances, and go home to their constituents without receiving severer rebuke than fell upon those who were instrumental in defeating the compromise of 1818. For myself, I have not placed myself, and do not intend to place myself, in a condition to meet with that rebuke.

Mr. President, some members of the Senate, and my honorable colleague [Mr. SOULE] among them, seem to be extremely surprised with that provision of the bill now under consideration, which prohibits the action of the territorial legislatures upon this subject of slavery. My honorable colleague was not here at that time, (1848,) or he would not have expressed so much surprise at a provision which is precisely the same as that which was contained in the Clayton compromise bill, and was approved by every member from the South. This is precisely the same provision, even in its literal terms. It was thought then a most important provision for the safety of the South. It was thought then, as now, that the public opinion of those Territories was against the institution of slavery. We have certainly abundant reason to believe now that it is so since the transactions which have occurred in California, and after what we know of what is likely to occur in New Mexico.

Mr. HUNTER, (interposing.) My friend from Louisiana is mistaken in a material fact. It is true, sir, that the bill as originally introduced had these identical words. It is equally true that they were stricken out on amendment. Instead of them the words were "prohibit or establish slavery."

Mr. DOWNS. I have a printed bill, which I supposed was the corrected bill. It is, however, entirely immaterial whether the language was amended or not. The idea is still materially the same. It amounts, in deed, to precisely the same thing. The idea was there, and the idea is here. I do not care at all how it is expressed. I do not care what form of words was made use of to convey it. The principle was, that the territorial government should not prohibit slavery in the Territories. That was the whole of it. But, when we wanted to obtain the admission of that principle, it was very natural that it should occur to our northern friends that they should not, on the other hand, have the power to establish it.

Now, Mr. President, is there any reason to believe that the subject is less important now than it was then? Is there any more reason to believe that slavery will be favorably regarded in those territories now than then? Do you not hear continually from New Mexico that the inhabitants there are as much opposed to slavery as they have shown themselves to be in California? Have you not seen, within the last few days, an eloquent appeal from the Delegate from that Territory to his constituents, advising and urging upon them the formation of a State constitution, and that they should present themselves here, forthwith, for admission into the Union, after the example of California? And can you have a doubt, if they do organize themselves into a State, that they will exclude slavery by their own action?

Mr. President, there is still another part of that section which makes this matter still more important. There is a provision, as there is in all territorial bills, that all laws passed by the territorial legislature shall be sent to Congress, and if disapproved are null. Now, sir, does any one here suppose that the Congress of the United States, in its present disposition on this subject, or in any disposition in which it is ever likely to be, would ever disapprove of any law which might be passed by a territorial government prohibiting slavery? Never, sir; you must begin at the foundation. That is the only way you can ever fix it. I cannot see why, then, there should arise any objection to this provision. On the contrary, so far from amounting to the Wilmot proviso, as has been stated, I think that the omission of it would be sure to amount to the Wilmot proviso.

As to the first amendment offered by my friend, the Senator from Mississippi, [Mr. DAVIS], I was not particularly informed of it; still I would have voted for it, and I shall vote still more cheerfully for the amendment of the Senator from Maryland, [Mr. PRATT], which has been accepted as a substitute for it; but to dispense with the provision altogether I never can consent; and I did not suppose that there was a single man from the South who would not regard some such provision as indispensable, or who would vote for the bill without something of the kind. It is immaterial what form of words the amendment is in. The great point is, that the legislature of the territory shall not have the power.

But, Mr. President, in answer to my honorable colleague, in his argument of yesterday, based on the bill as it is, I consider that his argument that slavery must have in its favor, in order to exist, not only a constitutional provision, but other more immediate guards, is not a sound one, to the extent to which he carries it. I do not think that such guards are essentially necessary. He speaks of police regulations. My honorable friend states that it is necessary to have some police regulations in regard to rights in slave property. Now, I ask the Senator if it is the custom in all species of property to have special laws to regulate the rights of property, and to guard against injuries in respect to that property? Slavery is a species of property. In some cases there are special laws applicable to it, and in other cases there are not. But there are laws in New Mexico applicable to all other species of property, which would apply also to this species. It has been stated repeatedly that, after the introduction of slavery, there was to

no special law of any kind authorizing or prohibiting it. I ask, where were the statute regulations authorizing slavery in Virginia, when the first importations were made there? I doubt very much whether there were any such statutes or special provisions in Louisiana and Florida, when slaves were first introduced into them as Spanish colonies.² No doubt, for years after it was introduced, there was no such provision, because slaves were understood to be property. And the very idea of the existence of slavery carries certain rights with it. We do not provide certain laws against depredations in regard to oxen, sheep, hogs, and other kinds of cattle; and yet they are a species of property. Therefore, where is the necessity for making special provisions as being absolutely necessary for this species of property? I do not see, then, why any such amendment should be made to that language. It is not just what I like, but I adopted it because it had been settled upon in a former bill; and therefore I considered that no reasonable objection could be made to it. It was what was agreed upon before, and what I supposed there was little disposition to disturb again.

Mr. President, I think it is premature to enter into the discussion of the merits of this bill on a preliminary question, and I am sorry to see that it has been done. But inasmuch as it has been commenced—inasmuch as the welfare of the country, in my opinion, requires the bill, amended, as I hope it will be, should pass—inasmuch as I do not wish to have it killed prematurely, before it is perfected, by calling it hard names, and as hard names have been applied to it upon some grounds which I think are without foundation, I choose, at this early stage of the proceedings, to reply to some of the arguments made against it.

One of the arguments made by my colleague and others was, that although there is nothing in the bill which amounts to the Wilmot proviso, or a recognition of the principle contained in the second resolution of the Senator from Kentucky, yet the bill itself is of such a nature that this inference might be drawn, especially when taken in connection with the speeches made on the subject, and

²This opinion is corroborated by the argument of Senator Mason, of Virginia, on the Oregon bill, in 1846. He said:

"The first negro slave that was landed on our shores, brought his condition with him from the land of his birth. The condition of slavery is fixed in the country whence the subject comes. It required no special law to create it here, as seems to have been supposed. The first slaves imported into Virginia, were landed from a Dutch ship, in 1620, and were purchased by the planters. The common law was then the law of the colony. By that law their condition as property was recognized; and under its pervading principle, that the issue follows the condition of the mother, (*partus sequitur ventrem*), their descendants, as well as the descendants of every subsequent importation, have remained in bondage. There never was any statute in Virginia creating slavery, nor was there any need of one to establish that institution."

In reply to Mr. NILES's argument, that "when a slave is taken to a State where there is no such relation, he becomes free," Mr. Mason said:

"Sir, I think I have established, as a legal position, the very opposite. When the condition of the subject is that of bondage—whether it be temporary or perpetual—it is recognized by law and enforced, as a legal right; and if it be the case of a slave, such slave becomes free when taken to a country or State, only where such servitude is forbidden or prohibited by express local law. It follows, then, that while no special law is required to create this species of bond, it does require positive or special law to destroy it; and such laws have been passed in all States where slavery has been abolished."

the report of the committee. Now, I think the speeches made upon the subject and the report of the committee have nothing to do with the interpretation of this bill. Why, my colleague says this bill must be interpreted according to the speech of the Senator from Kentucky the other day, proving the existence of the Mexican laws in these territories. I should like to know why it is to be interpreted according to the Senator's speech, any more than according to the opinion of my colleague upon the same question. For my part, I consider the able argument of my colleague on this point infinitely superior to that of the honorable Senator from Kentucky. I believe that it would be so considered in any court of justice, and that the scale would be turned in our favor. At any rate, the one has as much to do with the interpretation of this law as the other. But the truth is, as it often happens, men vote for the same thing for different reasons—reasons which are satisfactory to their own minds, but which have nothing to do with the bill itself. A report is made here; it is not acted on by the Senate; if does not have the approbation of the Senate; you are told by the honorable chairman of the committee that almost all the provisions in that report had not the unanimous concurrence of the committee; that many things were concurred in for different reasons; and that it was a mere statement of reasons by the majority of the committee who concurred in the several points reported upon. It is not acted on by the Senate, and it has no material bearing upon the question. But if this were not the case—if this report were material—if the law were to be construed according to this report, I would be willing to base it upon that, and to say that there is sufficient reason in that report to satisfy the South of the existence of slavery there. A mistake has gone abroad as to this report. We are constantly told that the report places the exclusion of the Wilmot proviso on the grounds which are objectionable to the South, and that is a reason why we should not vote for this provision of the law. That is a mistake. The reason given on this subject is very brief. It is clear, and it contains everything that the South has ever contended for. Give us what this report contains upon this particular subject, and we will ask no more. It takes exactly the position the Democratic party have contended for, which was maintained by the honorable Senator from Michigan, [Mr. Cass,] and which was advocated by the South, and beyond which we never wish to go. I wish to call the attention of the Senate to this part of the report. It is very brief, and I believe a great deal of unnecessary speaking has been made about it, because it is not sufficiently separated from the sentiments of the honorable chairman, contained in his speech.

"The bill for establishing the two territories, it will be observed, omits the Wilmot proviso on the one hand, and, on the other, makes no provision for the introduction of slavery into any part of the new territories. That proviso has been the fruitful source of distraction and agitation. If it were adopted and applied to any territory, it would cease to have any obligatory force as soon as such territory were admitted as a State into the Union. There was never any occasion for it, to accomplish the professed object with which it was originally offered. This has been clearly demonstrated by the current of events. California, or all the recent territorial acquisitions from Mexico, was that in which, if any where within them, the introduction of slavery was most likely to take place; and the constitution of California, by the unanimous vote of her convention, has expressly interdicted it. There is the highest degree of prob-

ability that Utah and New Mexico will, when they come to be admitted as States, follow the example. The proviso is, as to all these regions in common, a mere abstraction. Why should it be any longer insisted on? Totally destitute, as it is, of any practical import, it has, nevertheless, had the pernicious effect to excite serious, if not alarming, consequences. It is high time that the wounds which it has inflicted should be healed up and closed; and that, to avoid, in all future times, the agitations which must be produced by the conflict of opinion on the slavery question, existing, as this institution does, in some of the States, and prohibited, as it is, in others, the true principle which ought to regulate the action of Congress in forming territorial governments for each newly-acquired domain, is, to refrain from all legislation on the subject in the territory acquired, so long as it retains the territorial form of government—leaving it to the people of such territory, when they have attained to a condition which entitles them to admission as a State, to decide for themselves the question of the allowance or prohibition of domestic slavery. The committee believe that they express the anxious desire of an immense majority of the people of the United States when they declare, that it is high time that good feelings, harmony, and fraternal sentiments, should be again revived; and that the Government should be able once more to proceed in its great operations to promote the happiness and prosperity of the country, undisturbed by this distracting cause.⁷⁷

Now, if southern men ever objected to this, I should like to know what their objections are. It is the very doctrine of my honorable friend from Michigan, [Mr. Cass]—the very doctrine for which all of us fought during the last campaign. It is the very doctrine which we presented in all our discussions on the Clayton bill. It is all we have ever asked; and yet we are told that this report itself, even if it is not the thing itself, amounts to the second resolution of the honorable Senator from Kentucky. Why, sir, there are provisions in this bill of which I do not approve, and I hope they will be amended; but, as I remarked a little while ago, I hope it will not be killed by calling it hard names—by comparing it with other things to which it has no resemblance. Take up its provisions, and analyze them. Look at them as they have been considered here. Examine them by all the tests of reason and logic; and if you find them obnoxious, reject them; but do not kill them by crying out "mad dog." Do not compare them with things to which they have no resemblance; but take them upon their own merits. Especially is such a course out of place here, when the Senator from Kentucky has avowed that the bill contains not his provision—contains nothing which purports to be his second resolution. He has given it up, as I understand, and has yielded the point upon the views contained in the bill, and the principle adopted in the report. This report in that respect has received the full approbation of every southern man upon the committee, and the phraseology of it was draughted by an able southern man. It is a great mistake, then, to suppose that there is anything in the report that is injurious or objectionable to the South on this point. If that report had taken the ground that the Wilmot proviso was constitutional, or any other argument of the kind, such objections might be raised; or if the concluding part of the sentence had not been incorporated, where it is expressly said, in so many words, that no interference shall take place until the State comes to be admitted into the Union.

Mr. President, the question is frequently asked, what does the South gain by this compromise? I think, sir, they gain a great deal. It would not be a compromise if we were to get everything we ask for. We ought not to expect that. I wish

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very much to have that portion of the bill amended, and I hope it will be amended, which gives to California the whole of the boundary which is embraced in her constitution. I think there is no reason for it as it is. I think all the reasons which apply in favor of her admission as a State do not require that we should extend her limits so far. I shall not enter into the discussion now of this point; at a future stage of these proceedings I may deem it my duty to do so. But take the bill as it now stands, and I can still see a great deal favorable to the South. What have we been contending for in this controversy? Against the prohibition of the Wilmot proviso. Is this in the bill? We are told that a provision against slavery has already been applied to California, and that, if we sanction and admit that, we give up our principle. It is true that such a provision has been applied, but not in the way we have been fighting against—not by the Congress of the United States. We have never taken the ground that a State cannot form its own constitution. I think that the South has been unfairly dealt with in this matter. I think it is an Executive proviso which has been applied there—a proviso in consequence of the non-action of Congress—but still it is not, I contend, a violation of any principle upon which we ever stood.

But, sir, look at the balance of this territory. California, though it embraces a very large and valuable portion of this territory acquired from Mexico, is not all of it by any means. It is no more, perhaps, than one-fourth or one-third of the whole. It is true, it is said that it is the most valuable part. It may be so. It is not certain that it is so. There are some reasons to believe it, but there may be great mistakes upon this subject. There is one matter which has been referred to by the Senator from Virginia, contained in the report of Mr. King, which has also been referred to by my friend from Mississippi, [Mr. Davis,] as going to show that it is a mistake to infer this territory of Utah is sterile and of no value. We are told that on the Colorado there are indications of fertility—that on the Gila there resides a tribe of Indians, living in a state of comfort and partial civilization, superior to any savages on the continent, and that they have an ample country to sustain them. This much we are told, Mr. President, in regard to that valley, of which we know scarcely anything, which is watered by the Colorado. There may be valuable lands there, though we know but little about them. As for New Mexico, we are wanting in information there, also. The settlers there have been encroached upon by the Indians. Many mines have been abandoned in consequence; but there are some facts which lead us to believe that it may be more valuable than we have supposed. If that country is so sterile and barren as it is represented to be, and there are no valuable precious metals in it, how did it happen that some two hundred years ago, situated as it is in the very centre of this great continent, it was colonized in advance of California, which is on the sea-coast, and which ought to have attracted attention so much sooner? I consider that effects of that kind are not produced without causes. There must be found some cause for the earlier settlement of this country.

Again, sir, if this is a sterile country, why is it that the principle trade with Mexico has for years

traveled over deserts and among Indian tribes from Missouri, to this part of the Mexican territory? Perhaps the most valuable trade they have ever had there was the gold and silver which these caravans brought from Mexico, from this barren country. True, many of the mines are not now known to be worked—are not now occupied. Their resources are very little now; but it may turn out, and I believe in all probability it will turn out, when American settlers have driven back those Indian tribes to their fastnesses, and open these mines, that they will be found to be of great value. But whether they are, or not, we have got a principle applied to the Territories, which are three times as large as California—a principle for which we have always contended, and, whatever other men may think, one which I consider of great importance.

Mr. President, there is another principle of the compromise which has been assailed. It is that with regard to the fugitive slave bill. Very much to my surprise, my honorable colleague, in discussing this part of the subject, seemed to think that the committee had taken that subject up as if injustice had been done to the North, and not to the South, and that the provisions of the bill were calculated to satisfy the North and not the South. Now, I never so understood it. If my honorable colleague has any doubts upon the subject, I presume, if he will make a motion, when the bill comes up, to strike out the section, I venture to say that he will find many northern men—there is not one northern man who will not go most cheerfully for striking it out. Now, what is this section? Why, we are told that instead of lessening the difficulties of recapturing fugitive slaves, it will increase them. It will not bear that construction. But if it does, like every other provision of the bill, it can be amended. But, as it now stands, it is not subject to the objections which are presented. What is it? It provides, that, in order to obviate the difficulties in making proof in the State to which the slave may escape, before the owner goes, he may go before some court, and take a copy of the record, which shall be considered evidence of his right to this property in him, and, upon presenting such *other testimony as may be necessary*, he shall have a right to take his slave home with him.

There is probably a difference of opinion as to the true construction of this clause. Perhaps the honorable chairman of the committee gives a different construction from what I would give. My construction is only that it is a cumulative remedy to aid us in the use of our rights—that it affords us additional evidence, and takes nothing away that we now have.

Mr. CLAY. Will the honorable Senator allow me to say that I concur entirely with him in the construction he has put upon it? It may be necessary—and it will be recollected that we thought there was a possibility of its being necessary—to make some little modification in putting the amendments together with the bill. He is right.

Mr. DOWNS. Here is the provision. It will be seen that it provides for additional remedies, and takes away none:

"When any person held to labor or service in any State or Territory, or in the District of Columbia, under the laws thereof, shall escape to another State, the party to whom such service is due may, by himself or legal agent, apply

to any court of record, and make proof thereof; whereupon the said court shall cause a general description of the person so escaping to be made, and a transcript of this, duly authenticated by the signature of the clerk and seal of the court, shall be taken to be full and conclusive evidence of the fact of escape, and that labor and service are due by the person, before any judge, commissioner, or other authorized officer of the United States, before whom he may be brought when found. Upon this certificate, and other evidence, if necessary, substantiating it, the person so escaping must be delivered up."

The southern man may take it, if he chooses; if not, he can go as he does now. I conceive that the construction of my honorable colleague is altogether erroneous.

Well, again, sir, as to the provision for a trial by jury. Can there be any reasonable objection to that? None at all. Is there a southern State in the Union which does not authorize a trial by jury to slaves asserting their freedom? This frequently occurs in my State, and is tried as any other issue. I consider it as amounting to nothing at all. We say, and say truly, that none but honest men endeavor to recapture their slaves; and if it is so, I ask what objections an honest man can have to give a bond for this trial? Why, there are stronger objections to the laws of some of the slave States, which protect the slave in his effort to regain his freedom, by taking him out of the power of his master, who is compelled to give bond or other guarantee to secure him in his pursuit. We of the South have complaints enough to make, that are well founded; and I hope that we will never make any other. It only weakens the force of these we have. Let it be known that we are a liberal people, without prejudice, and we look at things as they really are. If we do otherwise, our northern friends will say nothing reasonable will satisfy us. But, Mr. President, that provision about fugitive slaves, and about the District of Columbia, is no part of this bill, and does not properly come up here for discussion. But I allude to it now merely to prove that the objections that are raised are without foundation.

But suppose that I am wrong in all these questions—that this bill is objectionable. I admit that it is objectionable in some of its features—that it is not as good as we could wish. I admit that, too. But before southern men can reject this, they ought to see what better they can do. Why, my honorable friend the other day said, that if we adopt this section it admits the idea that Congress has a right to interfere with slavery in the territories; which I do not think, because the action of Congress on this subject, and the action of territorial legislatures authorized by Congress, may be very different. As I understand, it has been laid down that, in ordinary cases, Congress has no right to legislate for the territories. She, however, may regulate a power in the initiative State which she could not exercise directly herself.

But my honorable colleague tells us that if we pass this provision as it is, the next day perhaps the Wilmot proviso will be imposed on these territories. I would like to know whether there is not another thing that is much more likely to happen, if we reject it. If we will take nothing but the whole loaf now, I would ask with what countenance we can hereafter, when we find we cannot get it, ask of the North any assistance in getting a fair and reasonable compromise? Why, if we do not adopt this compromise, the Wilmot proviso will then be passed. Or, if that is not the

case—if this strange and unaccountable doctrine of the Administration to leave the territories to shift for themselves—this doctrine which was commented upon so ably by the Senator from Kentucky on yesterday—if this should be adopted, what can we expect from it? Do we not anticipate already—are we not looking every day for a constitution to come from New Mexico, already cut and dried, prohibiting slavery? Do you not know that the Administration will use all their power to bring this about? Did you not see the appeal of the Delegate from that Territory, which was laid upon your table, to that effect? I would ask the gentleman—I would ask all who oppose this bill—whether that state of things is preferable to the one that would exist if this bill pass?

I think, then, Mr. President, there is something in this bill; I think there is a great deal in it. I think, with some modifications which I hope to see made, that it is a fair and honorable compromise—one in which the South give up no principle—one in which they sacrifice nothing which they have contended for heretofore. True, sir, they have been unfortunate in that part of it in relation to California; but that is not the larger part of the territory; and if that were larger, they have the proud satisfaction of knowing they have yielded no principle. Well, Mr. President, ought we not to make some sacrifice to settle this question? Is this constant warfare of the North against the South, and the South against the North, a desirable state of things? Is it to be persisted in, and favored for a day, when it can be stopped? Does it not lead to dangers on every side? Or is it not the interest of every man to stop it as soon as possible? I shall not be accused, Mr. President, of not standing up for and defending the rights of the South as warmly as any one. I have done it heretofore; I shall do it again. I have as many motives for doing so as most other men. But I would like to know what ground I stand upon. If the Wilmot proviso is adopted, I know that we have a principle to stand upon. I know that we have an issue. I was struck, sir, the other day, with a very remarkable sentence in one of the able letters addressed to the honorable Senator from Mississippi, [Mr. FOOTE,] upon this subject by a distinguished South Carolinian. He says that, in reviewing this question, for his own part—and I suppose that is the feeling of a good many of that honored State of South Carolina—he would prefer an issue, if he could get a good one; but that this compromise would give no such issue. I should like to have a good issue, too, if we must have a contest.

We could fight better, with more credit and satisfaction to ourselves, with a good issue than if we have none, or a bad one. He, therefore, concludes, wisely, I think, that the South had better take the compromise than resist on such an issue. I hope, sir, if this question is settled, that we may have no need of an issue hereafter—at least for many years to come. As you were told yesterday by the honorable Senator from Kentucky, [Mr. CLAY,] with regard to the Missouri compromise, we shall have many years at least of quiet. We may have troubles hereafter—perhaps we shall; but I trust it will never be necessary for the South to stand up in resistance against this Government. We shall have a better issue than we would have now by the adoption of this com-

promise. I do not think the South requires that we should be captious, and catching at every little apparent slight inequality that can be imposed upon us. Weak men, sir, not conscious of their own strength and their own powers—men whose dignity and whose position are not established and firmly fixed—may be particular about offences, and aggressions, and punctilios. Small nations, sir, should stick to principle, and weak powers should be careful of the slightest encroachment and insinuation against them, because they may be the commencement of encroachments more dangerous and serious. Great nations may with propriety adopt a different policy; they can afford to overlook unimportant slights and injuries of this kind. If, sir, the South was feeble and weak; if she was in danger of being trampled upon now, if she was even as weak as the colonies in the revolutionary war, with two or three millions of population, then I might be more anxious to guard her against any apparent slight. But this is not the case. When I know that she consists of seven or eight millions of population, whose exports amount to a large portion of the exports of this Union; that she has annually, from her resources, some sixty or seventy millions of surplus produce—when I recollect that my own little State, in the late war, with a population of some 300,000, (half of them slaves,) sent 6,000 troops to the field in two weeks, and in a foreign country, and equipped them, and paid for it in cash, without borrowing a single dollar; and although this money was afterwards, at her leisure, refunded by the United States, yet if it had not been, she could have borne it and much more—when I recollect this, and other instances of prowess evinced by the South, I cannot think her so feeble as to make it necessary to take offence at any imaginary wrong or apparent slight.

I will not submit to encroachment upon the South. But, when we are strong, I will not be captious and touchy, and avoiding and flying from what never may occur; because I know, if the day of danger must come, we have the power to meet it. But, Mr. President, if I took a different view of this subject, I should still feel myself compelled to vote for this compromise for another reason, which I will now state.

Whatever opinions we may entertain here, sir, our opinions are of little avail, without the support of our constituents. I am not one of those, and no one will accuse me of avoiding responsibility. I am ready to take it upon all occasions, I have taken it upon some occasions on this very question; I shall take it again whenever it is necessary. I would take it now, if I thought the interests of the South would be promoted, even against their wishes—if I thought it unsafe for the South to adopt it. But, sir, the South must govern themselves—not the Senate or the Congress of the United States govern them. They have decided this question, and I would acquiesce unequivocally and decidedly in their decision. I do not set up myself, and I do not think the Congress of the United States ought, to dictate to the people. That is a great mistake, to undervalue the intelligence and wisdom of our constituents: They understand their own interests a great deal better than many public men suppose. I, for one, am disposed to follow, not to lead them. When they have adopted an opinion, I do not think it right for me to

stand up here and oppose it. I come here not to advance their interests beyond what they demand. They are at home, in comparative quiet, and can better judge of this matter than we can. All men know, who have much experience of legislative matters, that a very different state of feeling and opinion may exist at the seat of Government and at home. The very collision here at the Capitol produces excitement. We imagine wrongs which do not exist, and get into excitement that will not be felt the moment we are separated. Our people at home are less passionate. They judge more impartially. They see the whole question before them. Why, sir, we are so much worried here in the business, that even things transpire here under our own eyes, that we have less knowledge of than those at home, or we would have, if we were there. Now, sir, I have infinitely less knowledge of the public affairs at Washington than I could have at home. I there consulted the papers, saw all that was worth reading in the speeches of Congress, saw all these matters, and formed a deliberate opinion; but now I am so much pressed for time, have so much business to attend to, and so much excitement am I kept in, that I cannot decide calmly and form such a correct opinion as I could when I was at home. Sir, whatever opinion I might entertain upon this subject, satisfied as I am that there is an unequivocal expression of opinion in my State in favor of this compromise—that is a strong reason why I should support it. The nature of it was pretty well known before the committee acted; it is generally known now; and we have a response about which there is no doubt.

Well, sir, in my own State, I have looked at every paper, and have not seen a single one to oppose it. I have seen a good many respectable individuals of that State; I have received many letters; and neither in person nor letter have I known a single individual, Whig or Democrat, that says Louisiana will not accept this proposition.

To show that I am not mistaken upon this subject, I will ask the Secretary to read two extracts—one taken from a leading Democratic paper in the State of Louisiana, (the Louisiana Courier,) and the other from a Democratic paper in Kentucky.

The Secretary read the extracts, as follows:

From the N. O. Courier.—"If, then, this vexed question be amicably settled, and peace and harmony restored to the country, no thanks will be due to General Taylor and the galaxy of talents in his Cabinet. The principles of the compromise proposed by the committee are precisely those set forth by General Cass in speeches and letters before the last presidential election; they are precisely identical—non-interference in any case with the wishes of the people of a territory respecting the toleration or prohibition of slavery. Congress have nothing to do with the business; let the people frame the constitution to suit themselves; let them have slavery or not as pleases them best.

"This is the plan of Cass and common sense, but not of General Taylor."

From the Louisville Democrat.—"THE REPORT OF THE COMMITTEE OF THIRTEEN.—The bills reported by this committee are just about what we expected, and we believe they are the best that can pass Congress, either now or hereafter. They are not what will suit either North or South, but what four-fifths of both sections of the Union will acquiesce in.

"It is the interest of the southern States to take this compromise, rather than protract the discussion, in hopes of anything better. The South can support the bills reported by the committee without any sacrifice of principle, and one great point for the peace and security of the Union will be gained. It will be settled that the power of Congress is not to be employed on the subject of slavery anywhere, except, perhaps, in the District of Columbia; and the provisions on

that point will quiet the question for a long time to come. Kentucky cannot object to abolishing the slave trade in the District of Columbia, when she has long since abolished it in her own borders. Indeed, this ought to have been a southern measure, in order to make the laws respecting slavery in the District conform to the common policy of the slave States of the same latitude. What has been found good policy for the slave States generally is equally good for the District of Columbia, one would suppose.

"We cannot now abandon the position of the Democratic party in 1845. It is as good now as it was then. It was a matter of principle then—it is so still. We believe it belongs to the people of a territory to determine their own domestic institutions when they come to form State governments; and we do not believe in the right or the expediency of Congress undertaking to shape these institutions by anticipation.

"We believe that four-fifths of the people of the United States will be satisfied with the arrangement. Why the South should object we cannot see. Her apprehensions are from the power of a dominant sectional majority. Now, when the jurisdiction over the subject is formally abdicated by Congress, it strikes at the root of the evil. Struck to the principle, and we have nothing to fear.

"This is the principle we have always maintained, and we see no good reason to change. We cannot see how any Democrat who sustained General Cass at the last presidential election can withhold his support from these bills. They are framed upon the very basis advocated throughout the canvass by the whole Democratic party.

"We are confident these bills will pass in the end. They commend themselves too strongly to the good sense of all parties to be defeated. If there is any doubt, let the masses speak out from all sections of the country. We are confident that an overwhelming majority will sustain the committee's report. It is not the mere work of thirteen men. It embodies the conclusions that the moderation and good sense of the country have come to in all quarters of the Union. It is a compromise on the only ground of compromise. It is a national endorsement of the soundness of the policy of the Democratic party, proposed at the start and advocated up to this time with uncommon unanimity."

Mr. President, I have but a word more to say. I have given some of the reasons already why I thought this measure, amended, as I hope it will be, should not be hastily rejected by members from the South. I will now most earnestly appeal to my Democratic friends from the South on the subject. One great difficulty which we have always had to contend against, upon this question, has been division. If we had always stood united to a man in the South—both parties, Whigs and Democrats—if general politics had never been introduced on this subject, there never would have been this difficulty in settling this vexed, dangerous, and sectional question of slavery. But for the mixing of general politics on this question, the compromise of 1845 would have passed.

It is only on particular conjunctures that this question can be settled satisfactorily to the South. I believe that we are now in one of these conjunctures. We of the South have had great difficulties to contend with on this matter. We are in a minority. It is only under particular circumstances we can succeed in securing our rights. The times are now propitious. The Administration, which opposes us, and which if strong could defeat us, is now weak and wavering. The Whigs of the South are with us. We have some powerful support which we have no right to expect under other circumstances. Our Democratic friends from the North and West are with us now. All we need, then, is the perfect union of the Democrats of the South that have never separated before. Shall we not have it, then? Who shall prevent? Who shall take that awful responsibility? Who shall defeat our last chance of success? I shall most assuredly not, for one.

Yes, sir, I repeat it—for I wish to impress it on my Democratic friends from the South—we have our Whig friends from the South perfectly united with us on this subject. We have strong support from quarters from which we have no right to expect such support in ordinary times, and they have declared that, if we fail in this, they can go with us no longer. Then, sir, once dissolve the charm of this compromise, once discard this measure, once dissolve the ties which now exist between men of all parties and of all creeds, and you lose the best chance the South will perhaps ever have of settling this question fairly and honorably, and without blood. I believe now that a conjuncture of circumstances exists which will never exist again. And mark what I tell you: Let this opportunity pass, and the South are left in the minority—a hopeless, a helpless, an unavailing minority. We have now a chance which will never occur again. Let us not, then, pause; let us not hesitate; let us talk together like brethren and friends. If there is anything in these bills which we do not like, let us endeavor to amend them; let us perfect them as far as we may be able; let us do the best we can, in a spirit of mutual kindness, concession, and compromise. But let us not set ourselves up to control the opinions and feelings of others; let us not attempt to dictate measures to the majority, being as we are, in a minority. I hope, then, that our southern Democratic friends especially, will,

all of them, pause long before voting against this measure. I know that they are anxious to have some amendments, which I hope will be made; but I ask them, I earnestly entreat them, to pause before they commit themselves irrevocably. I do not think, indeed that it is the province of wise statesmen to plunge in the dark. I do not ask this. I am a southern man in all things. Anxious as I am to go for this measure—desirous as I unquestionably am to give the South all her just rights—yet, if a better plan can be presented, I will vote for it. But I do not intend to leap in the dark, or to be responsible for the course of events which time may develop, but which I cannot see, and from which I can hope no good. I hope, then, sir, that these differences of opinion, which I do not understand to be very material, will not be carried to extremes, but that there may be a general feeling of concord and harmony among all those who have the interests of the South at heart. There are other reasons, of a most important kind, which I might urge, but I will not dwell upon them now. I may have occasion to advert to them as this measure progresses. But I do again express my earnest hope that our southern friends will not differ on matters of minor importance, but that they will concentrate all their energies to effect a settlement of those agitating questions in which the interests of every section of the Union are so deeply involved.

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